

UTAH RADIATION CONTROL BOARD

**MINUTES OF THE UTAH RADIATION CONTROL BOARD MEETING, April 4, 2003,
Department of Environmental Quality (Bldg. #2), Conf. Room 101, 168 North 1950 West,
Salt Lake City, Utah.**

BOARD MEMBERS PRESENT

Stephen T. Nelson, Ph.D., Chairman
Gary L. Edwards, M.S., Vice Chairman
William J. Sinclair, M.S.E.H., Executive Secretary
Kent J. Bradford, P.G.
Thomas K. Chism, M.S.
Royal I. Hansen, J.D.
Rod O. Julander, Ph.D.
Linda M. Kruse, M.S.
Karen S. Langley, M.S.
Dianne R. Nielson, Ph.D., Exec. Director of DEQ
Gregory G. Oman, D.D.S., B.S.
Robert S. Pattison, B.Sc.
John W. Thomson, M.D.
Gene D. White, Commissioner

BOARD MEMBERS ABSENT/EXCUSED

(None)

DRC STAFF/OTHER DEQ MEMBERS PRESENT

Craig Jones, DRC Staff
Denise Chancellor, Attorney General's Office
Janie Ward, DRC Staff
Rob Herbert, DRC Staff

PUBLIC

Dan Shrum, Envirocare of Utah, Inc.
Tak Wong, BYU
Enoch Lambert, BYU
Patrick Thomas, Adamson & Associates
Ron Hochstein, International Uranium (USA)
Jason Groenewold, FAIR

GREETINGS/MEETING CALLED TO ORDER

The Utah Radiation Control Board convened in the DEQ Building #2, Room 101, 168 North 1950 West, in Salt Lake City, Utah. The meeting was called to order at 2:05 p.m. by Dr. Stephen Nelson, Chairman of the Board. Dr. Nelson welcomed all members and public attending the meeting. Dr. Nelson asked those present to indicate on the sign-up sheet if there were agenda items they wanted to address. Those desiring to comment would be given a chance to address their concerns prior to the end of the Board meeting.

I. APPROVAL OF MINUTES (Board action items)

a. Approval of March 7, 2003 Minutes

Royal Hansen made a motion to approve the minutes of March 7, 2003, seconded by Kent Bradford.

CARRIED AND APPROVED UNANIMOUSLY

b. Election of Officers for 2003-04

Stephen Nelson nominated Karen Langley for Chair. Karen Langley nominated Stephen Nelson for Chair. A secret ballot vote was held and Karen Langley was elected Chair of the Radiation Control Board for 2003-04. Rod Julander then nominated Stephen Nelson for Co-Chair. There were no other nominations and Stephen was elected by acclamation of the Board.

II. RULES

No items

III. RADIOACTIVE MATERIALS LICENSING/INSPECTION

No items

IV. X-RAY REGISTRATION/INSPECTION

No items

V. RADIOACTIVE WASTE DISPOSAL

a. Summary of meeting of Low Level Waste Forum Inc. March 17-18, Austin, TX

Bill Sinclair reported on the recent Low Level Waste Forum held in Austin, Texas. Bill was unable to attend the meeting because of illness. He had, prior to the Board meeting, discussed the highlights of the meeting with several colleagues that were in attendance. Some significant national developments include the National Academy of Sciences Study (which will be discussed later in the meeting), recent legislation proposed in the State of Texas that would, once again, provide the opportunity to establish a private, low-level waste site in Texas. There was also a discussion on planning for post-2008 class B and C low-level waste disposal. It appears that many generators have not anticipated events that could result in there being very limited disposal capacity after the Barnwell limitations go into full effect. Litigation continues in the states of California, North Carolina, and Nebraska concerning low-level waste siting. None of these litigations have reached a conclusion as yet. The handout in the Board packet was provided to all

attendees at the Forum meeting.

b. Meeting of National Academy of Sciences study group - Board of Radioactive Waste Management, "Improving Practices for Regulating and Managing Low-Activity Radioactive Waste" - April 16-17, 2003, Salt Lake City

Bill Sinclair stated that the National Academy of Sciences is performing a study for the Board of Radioactive Waste Management entitled, "Improving Practices for Regulating and Managing Low-Activity Radioactive Waste". A study prospectus was provided in the Board packet. The objective of the study will focus on three tasks:

- (1) Using available information, provide a summary of the sources, forms, quantities, hazards, and other identifying characteristics of low-activity waste in the United States;
- (2) Review and summarize current policies and practices for regulating, treating, and disposing, including the quantitative (including risk) bases for existing regulatory systems, and identify waste streams that are not being regulated or managed in a safe or cost effective manner;
- (3) Provide an assessment of technical and policy options for improving practices to enhance technical soundness, ensure continued protection of the public and the environment, and increase cost effectiveness. This assessment should include an examination of options for utilizing risk-informed practices for identifying, regulating, and managing low-activity waste irrespective of its classification.

The packet contained a list of the Committee members. The Committee will hold an open session in Salt Lake City on April 16, 2003 from 3:00 - 5:00 p.m. at the Airport Hilton. There will be invited testimony at that time. The Division has been asked to provide a presentation to the Committee. On April 17, 2003, the Committee will tour the Envirocare site.

c. Notice of Violation of March 5, 2003, Groundwater Discharge Permit, Envirocare of Utah, Inc.

Bill Sinclair informed the Board that a Notice of Violation and Order to Comply had been issued to Envirocare of Utah, Inc. under the "water quality" authority assumed by the Division. The main issue focused on limitations on having an open cell described in the Envirocare groundwater discharge permit. Envirocare and DRC staff are working on a resolution to the issue. A copy of the NOV/Order to Comply was enclosed in the packet, as well as Envirocare's March 20, 2003 response.

d. Major modification to Groundwater Discharge Permit, Envirocare of Utah, Inc. - in public comment

Rob Herbert of the DRC staff reported that a 30-day public comment period began on March 28 for Modification No. 4 to Envirocare's Ground Water Discharge Permit. In a letter dated March 29, 2002, Envirocare requested to reduce the thickness of the lower radon barrier from six feet to one foot. The results of a technical evaluation by DRC staff indicate that the Permit and License performance standards will still be met whether the lower radon barrier is six feet or one foot thick. Therefore, Envirocare's request was deemed to be technically justified. Details of the technical evaluation were provided in the Statement of Basis provided in the Board supplemental packet.

VI. URANIUM MILL TAILINGS UPDATE (Board information item)

a. Control of windblown material at the White Mesa Mill – presentation by Ron Hochstein, President, International Uranium

Bill Sinclair introduced Ron Hochstein who had been invited to address the Board on concerns expressed at the last Board meeting (March 7, 2003) regarding the potential of windblown material from the White Mesa Mill. Ron briefed the Board with a PowerPoint presentation, which is included as Attachment A to the minutes.

Questions by Board members:

Several questions from Board members followed Ron's presentation. The questions included several directed to the air particulate monitoring graphs provided and what the results showed, how background radiation was factored into the data, the frequency of inspection by DEQ Air Quality and the NRC, and any knowledge of resulting health problems for nearby communities.

Bill Sinclair asked Ron if International Uranium had specifically looked at wind speed data for the week prior to the Olympics and whether a significant wind event had taken place that could have resulted in dust issues in the area. Ron indicated that he had checked two meteorological stations' data in the Blanding area for this particular week and there were no abnormal wind events recorded.

VII. OTHER DEPARTMENT ISSUES

a. Private Fuel Storage partial licensing decision

Denise Chancellor reported on a recent partial licensing decision by the NRC Atomic Safety and Licensing Board (ASLB) that has blocked the issuance of a license to Private Fuel Storage to construct an independent spent fuel storage installation on the Goshute Indian Reservation in Tooele County. The licensing decision reflected a successful argument that there is a likelihood with the bounds of risk established by the NRC that a military aircraft could crash into the facility by accident. The proposed PFS facility sits under the airway used by the Utah Test and Training Range.

Denise also reported that other issues brought by the State, including seismicity, are also pending before the ASLB, and decisions on these other issues are expected shortly.

b. Summary of NRC Spent Fuel Transportation Cask Test Protocol Workshop, Las Vegas, NV, March 12, 2003

Dianne Nielson reported on a meeting she recently attended on behalf of the Department at the invitation of the NRC. The purpose of the meeting was to discuss the upcoming Package Performance Study by the NRC. NRC plans to conduct some actual tests, instead of computer simulations, on packages that will be used to transport high-level radioactive waste. Dianne summarized the salient points of the meeting and provided Board members with a copy of the NRC handout that was used during the workshop. She also provided Board members with a list of participants at the meeting. She indicated that the minutes of the Las Vegas meeting as well as other meetings would soon be available on the NRC

website.

VIII. PUBLIC COMMENT

There was no public comment from attendees at the meeting.

IX. OTHER ISSUES

a. Next Board Meeting – May 2, 2003, Department of Environmental Quality (Bldg #2), 168 North 1950 West, Conference Room 101, Salt Lake City, Utah 2:00 – 4:00 P.M.

The Board Meeting adjourned at 3:40 p.m.